

**Findlay 80 Acres  
ESLO Hardship Exemption  
Narrative  
Revised: 3-11-05**

**Introduction**

The Findlay 80 Acres is located at the northeast corner of Shea Blvd. and 136<sup>th</sup> Street. The project is under consideration by the City of Scottsdale for Preliminary Plat approval originally submitted in December of 2002.

**Neighborhood Involvement**

The process included an extensive neighborhood involvement program in order to create a compatible project. The following is a summary of the efforts made to obtain neighborhood support:

- Nov. 2003: Letter of invitation sent to home/property owners within 750' of the site.
- Nov. 2003: NESPOA Subcommittee Meeting.
- Dec. 2003: NESPOA Meeting.
- Dec. 2003: Paloma Paseo HOA Meeting.
- Dec. 2003: Paloma Paseo HOA Meeting.
- Jan. 2004: Changes to the Plan and commitments offered to Paloma Paseo in order to gain their support.
- Feb. 2004: Meeting with the Mayo Clinic.
- May 2004: NESPOA Meeting with Dennis Rodriquez. Re: ESLO 3 Waiver.
- Oct. 2004: Paloma Paseo Support Agreement Received.
- Nov. 2004: NESPOA Support Letter Received.

## **Land Planning**

The initial plan that was submitted to the City for the preapplication was to rezone for single-story office and higher density single family which was consistent with the City's General Plan. Some of the neighbors gave input to the City that the proposal was unacceptable.

The land owners decided to propose development under the existing zoning, rather than proceed with a re-zoning.

A plan for 66 lots on 80 acres was developed and presented to NESPOA and the neighbors. The plan was submitted to the City for a Preliminary Plat Review.

The review by the City was not completed for several months. Our Project Coordination Manager was then reassigned to another department.

With new staff being assigned to the project, the review process started again. Additional submittals were required in this process.

City Staff's comments on the plan were primarily focused on shifting a few units away from the east neighborhood to the west and closer to 136<sup>th</sup> Street. This required that the lots to the west become more narrow, and was allowed by ESLO2.

Through a series of meetings with both the neighbors and NESPOA, agreements were made to modify the site plan to shift units to the west closer to 136<sup>th</sup> Street, to increase the open space setbacks along the north and east boundaries and to limit some of the homes along the north and east boundaries to 22 ft. in height. A detailed listing of the neighborhood issues discussed is attached.

During the lengthy process of working with the neighborhood, the City was actively proposing modifications to ESLO. We provided written and hearing input against several of the proposed changes including the one being requested in this exemption.

Specifically, the requirement to have a 15 ft. wall setback on the side of a lot, creates a substantial hardship for the project. In order to keep the product (home) width, each lot would need to be 30 ft. wider. This translates into a 25% loss in density. The lots can not be made wider due to the number of washes being preserved as open space (37.5%) and the amount of open space being provided as meaningful, continuous areas.

This issue was specifically addressed by Randy Grant at the Planning Commission hearing presentation on ESLO3. He stated:

**PLANNING COMMISSION: ESLO3  
March 29, 2004**

**Randy Grant**

It is not intended to create an additional layer by which we would get additional O-S. The second issue is that it is not intended to limit the density that is approved by the underlying zoning on a site. If there's a site that has one acre zoning, then they can achieve one acre zoning. This will hopefully, it's intended to help identify which portions of the site are most sensitive, but it is not intended to preserve more of the site than we can through the underlining zoning. And it helps that this is a critical factor as we go through tackling the impact that people believe that this may have on their property. I would like you to keep in mind that this is not something that takes on a regulatory authority of it's own.

**Site Plan**

The site plan that has been reworked over an extended period of time is attached. It includes combined and individual envelopes responding to the environment and neighborhood/City input.

The washes running through the site are being preserved and 30 of the 80 acres is planned as open space, natural or re-vegetated. While 27.3 acres is required as open space, 30.1 acres are being provided, a 10 percent increase.

**Wildlife corridors** are maintained throughout the project in approximately 30 acres of open space as depicted on the attached plan. The corridors will successfully connect neighborhoods and projects with the City's preserve land to the southeast.

**Drainage** is provided in various locations throughout the plan to allow flows to reach the wash areas.

The site has existing development that is contiguous to the north and east. The existing development is has eliminated most if not all of the sheet flows coming on to the site and concentrated the drainage into the existing washes. The resulting flows continue on under Shea Boulevard through the existing large box culverts south of the site.

## Request and Justification

We respectfully request that the project be exempted from the 15 ft. side yard setback.

Basis:

1. **Substantial hardship: Reduction in density** of 25% in some areas as a result of shifting units and modifying the plan at the requests of City Staff and the Neighborhood.
2. **Consistency:** The requested plan is consistent with the intent and purpose of the ESL Ordinance.
3. **No significant Benefit:** The application of this requirement will not achieve a significant benefit for protection of the environment and community.

A significant amount of open space is being provide throughout the plan providing massive **wildlife corridors** and washes maintained for **drainage**.

4. **Conformance:** The requested exemption is in conformance with the previously adopted versions of ESL.

As well, the project was planned, presented, submitted, reviewed and agreed to by supporting neighborhood associations much of which occurred before ESLO2 was changed.

This project was presented as one of the projects in progress during the time that the new ESLO3 was being considered. The issue of the side yard wall setbacks was specifically addressed to the Council during the public hearing. Their responses, along with a committee member's response, were as follows:

**CITY COUNCIL: ESLO – 3**  
**April 20, 2004**

**Howard Meyers**

"Unfortunately there was a lot of misinformation passed around at some point in time, and I wanted to clear some of that up. It's very important to understand that none of the new or old restrictions changes the amount of NAOS that's required. It simply relocates it or asks you to look at prioritized areas that will help manage the goals of the ordinance."

"There are hardships and there is a relief process in there now for that, and so that the things Mr. Voss addressed that's how you do it. If you're going to cluster things together like the development he showed, you go for amended standards and then you will be allowed to put walls across a certain number of homes, but then you have to leave a lot open in place of it. And that's the process we go through now so I don't see any change in that."

**Councilman O'Hern**

"I would like to specifically address Mr. Voss' well taken points. You can apply for this exemption. This relatively easy understandable process at the time you submit a plat. Is that correct Mr. Grant? And so if somebody is in the process and is 5 months along as Ms. Lagarde said and they come forward and they want to get their plat approved, they can apply for an exemption at that particular time."

**Councilman Ecton**

"Anytime rules changes, someone gets impacted. There is no possible way to avoid that."

"We searched for ways to solve many of those issues. But, the only way we could find in most of them is to create a well understood easy, appeal process, where we think they can be dealt with fairly and completely."

## **Conclusion**

The Findlay 80 acres was in process with the City long before the new regulations were approved. The Site plan is the result of extensive effort on behalf of staff, the applicant and the neighborhood associations and it meets or exceeds intent of the ESLO2 goals and regulations.

Without the waiver, there would be a substantial hardship, and it would not bring a significant benefit for the protection of the environment and community.

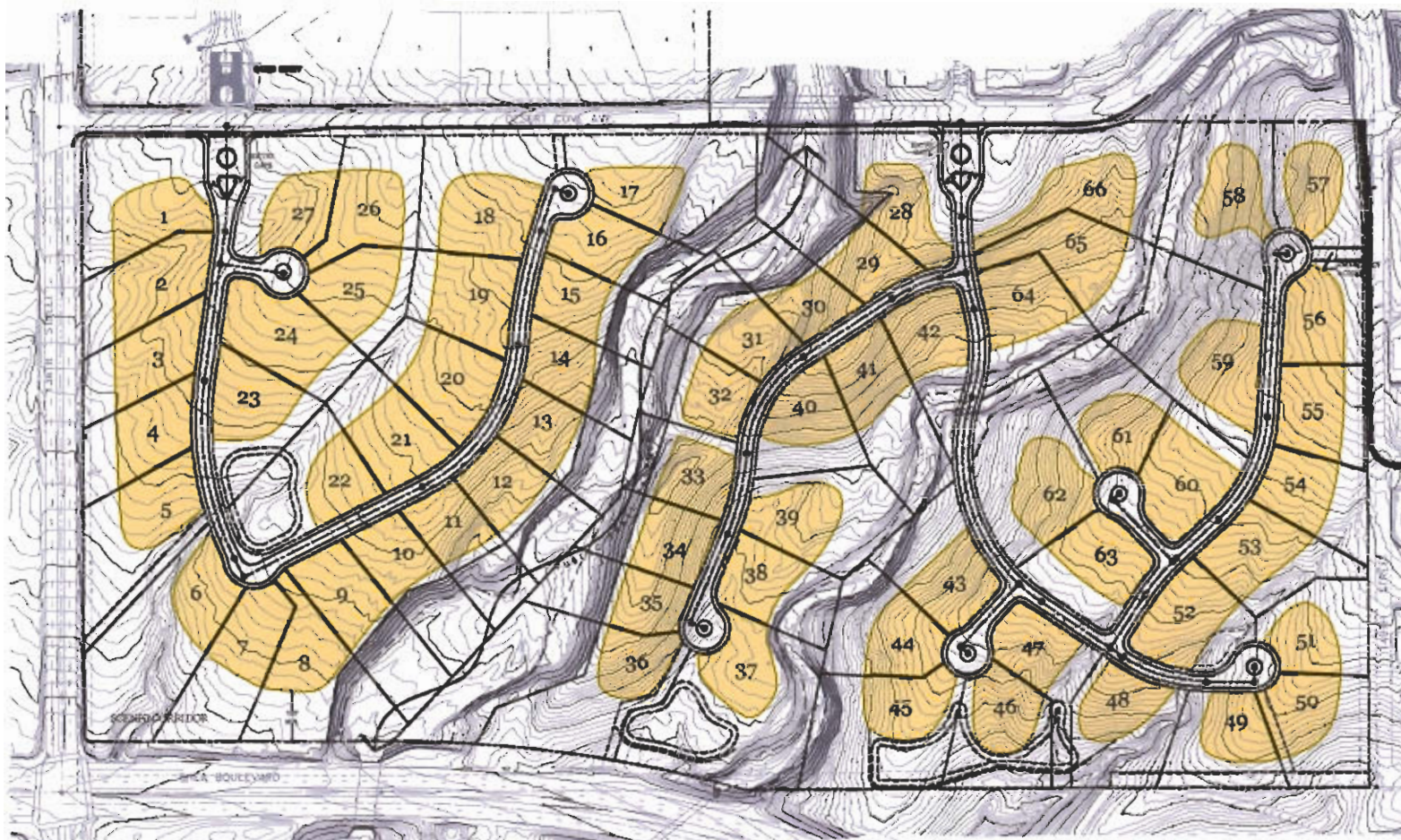
In fact, it would be a significant detriment to the community because the agreements made with the surrounding Paloma Paseo HOA would be impacted in order to keep the entitled density by shifting lots east contrary to their desires and City Staff's requests.

Thank you for your consideration.

Job: 0079.1

Date: 1-13-05, 3-11-05





SITE PLAN DATA	
Project Location:	NEC of Shea Boulevard & 136th Street
Site Acreage (Gross)	80.0 ac
No. of Residential Units	66
Density	0.83 du/ac
Zoning	R1-43 SCL
Open Space:	
Required MAGS	27.3 Ac
Provided MAGS	37.0 Ac
Setbacks (per amended dev. stds):	
Min. Lot Area	32,250 Sq. Ft.
Front	20 Ft.
Side	15 Ft.
Rear	27 Ft.
Project Phasing	Phase 1 of 1
Property Owner:	Bank of America NA Trust 4700 Balboa Ave Encino, CA 91436
Applicant:	LVA Urban Design Studio 7500 E. Main Street Scottsdale, AZ 85261



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Site Planning & Design  
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# **FINDLAY PROPERTY** 136TH STREET & SHEA BOULEVARD SCOTTSDALE, AZ **CONCEPTUAL SITE PLAN**

